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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.615 OF 2002
IN
NOTICE OF MOTION NO.1164 OF 2000
IN
S.C.SUIT NO.1648 OF 2000

Ghanshyam B. Yadav Appellant
versus
B.M.C. Respondent

M.P.Vashi for appellant.
Ms.Geeta Jogalekar for BMC..

CORAM : A.S.OKA, J.
DATE : 15th March 2007
PC :

1. Heard advocates appearing for the parties. The appellant is the original plaintiff who has taken exception to the judgement and order dated 7th June 2002 passed by the Trial Court in a Notice of Motion taken out by the appellant for injunction. The suit has been filed by the appellant for challenging an action of demolition under section 351 of the Mumbai Municipal Corporation Act, 1888. By the impugned order, the Notice of Motion for injunction has been dismissed. However, this court has protected the structure pending the final disposal of the appeal by directing the parties to maintain status-quo.

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2. Shri Vashi, learned counsel appearing for the appellant states that the evidence in the suit has been recorded and now the suit is kept for hearing of final arguments. In view of this statement it will be appropriate if the interim order passed during the pendency of this appeal is continued till final disposal of the suit. Hence, I pass the following order.

3. Order :-

(a) The appeal is disposed of by directing that the interim order passed during the pendency of this appeal will continue to operate till final disposal of the suit;

(b) The Trial Court will decide the suit uninfluenced by the order of this Court granting interim relief and continuation thereof made by this order;

(c) All contentions of the parties in the pending suit are expressly kept open;

(d) There will be no orders as to costs.

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(A.S.OKA, J.)